

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

RIDGE VIEW FARM LLC,

Appellant,

-v-

5:13-CV-122 (Lead)

PLEASANT ACRE FARM, LLC; GERMAIN
BOUDREAU; ROBBINS FAMILY GRAIN;
UNITED STATES TRUSTEE; MARK W.
SWIMELAR,

Appellees.

RIDGE VIEW FARM LLC,

Appellant,

-v-

5:13-CV-123 (Member)

UNITED STATES TRUSTEE; PLEASANT
ACRE FARM, LLC; GERMAIN BOUDREAU;
ROBBINS FAMILY GRAIN;

Appellees.

APPEARANCES:

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MARK W. SIMELAR, ESQ.

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DAVID N. HURD

United States District Judge

DECISION and ORDER

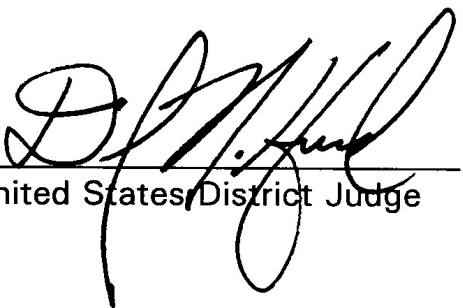
Appellant Ridge View Farm LLC filed a Notice of Appeal on December 24, 2012. The Bankruptcy Court for the Northern District of New York issued a Certification of Compliance on January 30, 2013. Pleasant Acre Farm, LLC entered a notice that it no longer had an interest in Appellant and therefore would not enter an appearance on the appeal. Appellant's brief was due March 19, 2013. ECF No. 4. Appellees' briefs were due twenty days thereafter. The appeal was returnable on May 24, 2013, on submission without oral argument.

Appellant failed to file a brief. Consequently, appellees' briefs never became due. Appellant has not requested an extension of time to file a brief, or provided any reason why a brief was not filed. Therefore, the appeal will be dismissed for failure to prosecute. Balaber-Strauss v. Reichard (In re Tampa Chain Co.), 835 F.2d 54, 55-56 (2d Cir. 1987).

Accordingly, it is

ORDERED that the above-captioned appeal is DISMISSED.

IT IS SO ORDERED.



United States District Judge

Dated: June 10, 2013
Utica, New York.